

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
YOKO HIROSUGI, et al. ) : Examiner: Jason S. Uhlenhake  
Application No.: 10/766,870 ) : Group Art Unit: 2853  
Filed: January 30, 2004 ) : Confirmation No.: 4094  
For: IMAGE FORMING )  
APPARATUS AND METHOD :  
OF CONTROLLING SAME )  
AND INFORMATION :  
PROCESSING APPARATUS )  
AND METHOD : December 19, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO ELECTION REQUIREMENT

Sir:

In response to the election requirement set forth in the Office Action dated November 24, 2006, Applicants provisionally elect Species I, namely, Claims 36 to 39, 41, 44 to 47, 49, 52 to 55 and 57.

However, Applicants respectfully traverse the requirement to elect. An application may be properly required to be restricted to one of two or more claimed inventions only if the inventions are able to support separate patents and they are either independent or distinct. MPEP § 803. If the search and examination of an entire

application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. MPEP § 803.

Even if Species I and II are considered to be independent or distinct inventions, which Applicants do not admit to be the case, the search and examination of all pending claims of Groups I and II can be made without serious burden, and therefore restriction is believed to be improper. MPEP § 803. Specifically, the claims of Groups I and II are all directed to the field of art concerning printer media storage units. Accordingly, Applicants respectfully submit that concurrent search and examination of all claims of Species I and II can be made without serious burden.

Based on the foregoing remarks, Applicants respectfully submit that the restriction requirement is improper and therefore request reconsideration and withdrawal of the election requirement, and the concurrent examination of all currently-pending claims of Species I and II.

Applicants' undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Frank Cire #42,419/  
Attorney for Applicants

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200

CA\_MAIN 124900v1